

ORDINANCE NO. 87-23

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE ZONING CODE OF PALM BEACH COUNTY, ORDINANCE NO. 72-3 AS AMENDED SECTION 401 (APPLICATION PROCEDURE FOR ALL PETITIONS); PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 125 (County Government), Florida Statutes, establishes the right and power of counties to provide for the health, welfare and safety of existing and future residents by enacting and enforcing zoning regulations; and

WHEREAS, Chapter 163 (Intergovernmental Programs), Part II (Local Government Comprehensive Planning and Land Development Regulation Act), Florida Statutes, provides that counties shall have power and responsibility to plan comprehensively for their future development and growth, including the adoption and implementation of appropriate land development regulations which are necessary or desirable to implement a comprehensive plan; and

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida, sitting as the Local Planning Agency, have determined that these proposed amendments to the Palm Beach County Zoning Code are consistent with the adopted Comprehensive Plan of Palm Beach County, as required by Section 163.3194(2)(a), Florida Statutes;

WHEREAS, the Palm Beach County Comprehensive Plan encourages intergovernmental coordination with other units of local government.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that:

SECTION 1. The Palm Beach County Zoning Code (Ordinance 72-3) as amended, Section 401 (Application Procedure for All Petitions) is hereby renumbered and amended to read as follows:

B. APPLICATION PROCEDURE.

1. The application procedures and requirements in this Section shall apply to the following:

a. DISTRICT BOUNDARY CHANGES (REZONING)

1 b. SPECIAL EXCEPTIONS

2 c. ZONING REGULATION CHANGES (ORDINANCE AMENDMENT)

3 d. MODIFICATION OF COMMISSION REQUIREMENTS

4 e. SPECIAL PERMITS

5 f. VARIANCE REQUESTS (BOARD OF ADJUSTMENT)

6 2. With the exception of requirements for personal or record
7 notice, the Executive Director of the Department of
8 Planning, Zoning and Building may waive or modify any
9 application requirement in this Code for petitions filed
10 in the name of the Board of County Commissioners.

11 3. Applications for petitions pertaining to: district
12 boundary changes (rezonings), special exceptions, or
13 variances for properties located within the area
14 encompassed by the Delray Beach Enclave Act, Chapter
15 86-427, Laws of Florida, shall be subject to a review
16 period of not more than sixty (60) days prior to
17 certification of the petition. Upon receipt of any
18 petition, as hereinabove described, the Department shall
19 transmit to the City of Delray Beach all of the materials
20 and information the Department has received which has been
21 submitted by the applicant as part of that petition. No
22 action to certify a petition as hereinabove described
23 shall be taken by the Department for up to sixty (60)
24 days, or until the Department has received a written
25 response from the City of Delray Beach under the signature
26 of the Mayor or his designee, whichever comes first. The
27 City of Delray Beach may recommend through its written
28 response, comments, or proposed conditions which may
29 address provisions of the City of Delray Beach's zoning
30 code, but which are not specifically or necessarily a part
31 of the County's zoning code requirements. These proposed
32 conditions may be included by the County as conditions to
33 any petition as defined herein.

1 SECTION 2. REPEAL OF LAWS IN CONFLICT

2 All local laws and ordinances applying to the unincorporated area of
 3 Palm Beach County in conflict with any provisions of this ordinance are
 4 hereby repealed.

5 SECTION 3. SEVERABILITY

6 If any section, paragraph, sentence, clause, phrase, or word of this
 7 ordinance is for any reason held by the Court to be unconstitutional,
 8 inoperative or void, such holding shall not affect the remainder of this
 9 ordinance.

10 SECTION 4. INCLUSION IN THE CODE OF LAWS AND ORDINANCES

11 The provisions of this ordinance shall become and be made a part of
 12 the code of laws and ordinances of Palm Beach County, Florida. The
 13 Sections of the ordinance may be renumbered or relettered to accomplish
 14 such, and the word "ordinance" may be changed to "section," "article," or
 15 any other appropriate word.

16 SECTION 5. EFFECTIVE DATE

17 The provisions of this ordinance shall become effective upon receipt
 18 of acknowledgement by the Secretary of State.

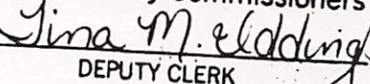
19 APPROVED AND ADOPTED by the Board of County Commissioners of Palm

20 Beach County, Florida, on the 29th day of September, 1987.

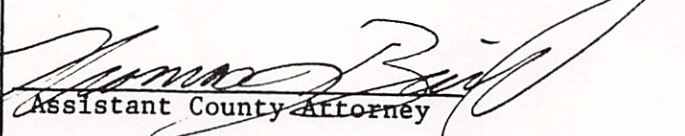
PALM BEACH COUNTY, FLORIDA, BY ITS
 BOARD OF COUNTY COMMISSIONERS

By 

Chairman

JOHN B. DUNKLE, CLERK
 Board of County Commissioners
 By 
 DEPUTY CLERK

25 APPROVED AS TO FORM AND
 26 LEGAL SUFFICIENCY

27 
 28 Assistant County Attorney

29 Acknowledgement by the Department of State of the State of
 30 Florida, on this, the 8th day of October, 1987.

31 EFFECTIVE DATE: Acknowledgement from the Department of State
 32 received on the 15th day of October, 1987, at 1:12
 33 P.M., and filed in the Office of the Clerk of the Board of County
 34 Commissioners of Palm Beach County, Florida.